

REMARKS/ARGUMENTS

Claims 1–10 are pending in the captioned application; claims 9–10 are withdrawn from consideration. Applicants affirm that both the election of claims and election of species have been made without traverse.

The Examiner has rejected claims 1–8 under 35 U.S.C. § 112, first paragraph as “as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.”

Specifically, the Examiner states, “claims 1-8 are drawn to a method for selectively enriching/removing a serum albumin from a mixture of other compounds by contacting said mixture with a ligand (=X). The said ligand having affinity for and enabling binding of the serum albumin.”

The Examiner continues, “the instant specification recites 14 ligand structures, see pages 13-14. The instant specification recites 3 test proteins, see page 14, lines 2-4. As best understood, The [the] results of the binding recite that based on conventional ways of interpreting the chromatogram recorded, none of the ligand structures showed binding to IgG or HSA...Further, the instant specification recites that all chromatograms for IgG

looked the same and the position of the eluted IgG suggested no interaction/binding (see page 16, lines 9-11).”

The Examiner further continues, “accordingly, based upon the apparent (and confusing) results set forth, e.g., on pages 15-16 of the instant specification with respect to the non-binding of albumin to the disclosed/ claimed ligand structures, the claimed invention is not deemed enabled.”

In response, Applicants have reviewed the discussion of the results at page 16–17, and wish to direct the Examiner’s attention to the following:

Specifically, two sets of experiments were run to determine the binding of HSA in PBS at pH of 7 and in West buffer at pH 4.6. As stated in the paragraph bridging pages 16-17, in the West buffer “the chromatograms indicated that all HSA applied and a part of the BSA applied were bound in West pH 4.6 (no HSA was eluted until PBS pH 7 was applied, one portion/peak of BSA eluted with West 4.6 and another with PBS pH 7).” Thus, it can clearly be seen that albumin is found by all of the recited ligand structures under the appropriate pH condition.

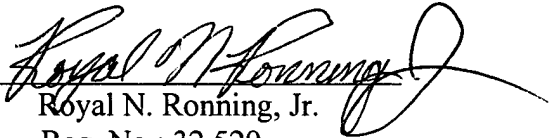
As for binding at pH 7, the specification does indeed indicate that using conventional ways of interpreting the chromatograms recorded, none of the ligand structures show binding to IgG or HSA. However, at the top of page 16 (line 5), the application specifically states, "in spite of these negative results the present inventors went further on and analyzed in more detail the shape and position of the peaks of the chromatograms". The remainder of that paragraph and the following paragraph detail that, while IgG was not bound, HSA was bound by seven of the structures.

Thus, Applicants respectfully assert that the results clearly indicate that all of the recited ligand structures tested will bind HSA under the appropriate conditions, and many will bind even at conditions of neutrality (pH 7). Thus, Applicants respectfully disagree with the Examiner that "the claimed invention is not deemed enabled," as Applicants respectfully assert that the results presented in the captioned application clearly and unambiguously demonstrate that they do.

In view of the foregoing, Applicants respectfully assert the Examiner's rejections cannot be sustained and should be withdrawn. Applicant believes that the claims, as amended, are in allowable form and earnestly solicit the allowance of claims 1-8.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on October 27, 2003.

Signature: 

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